

REQUEST FOR COUNCIL ACTION

MEETING

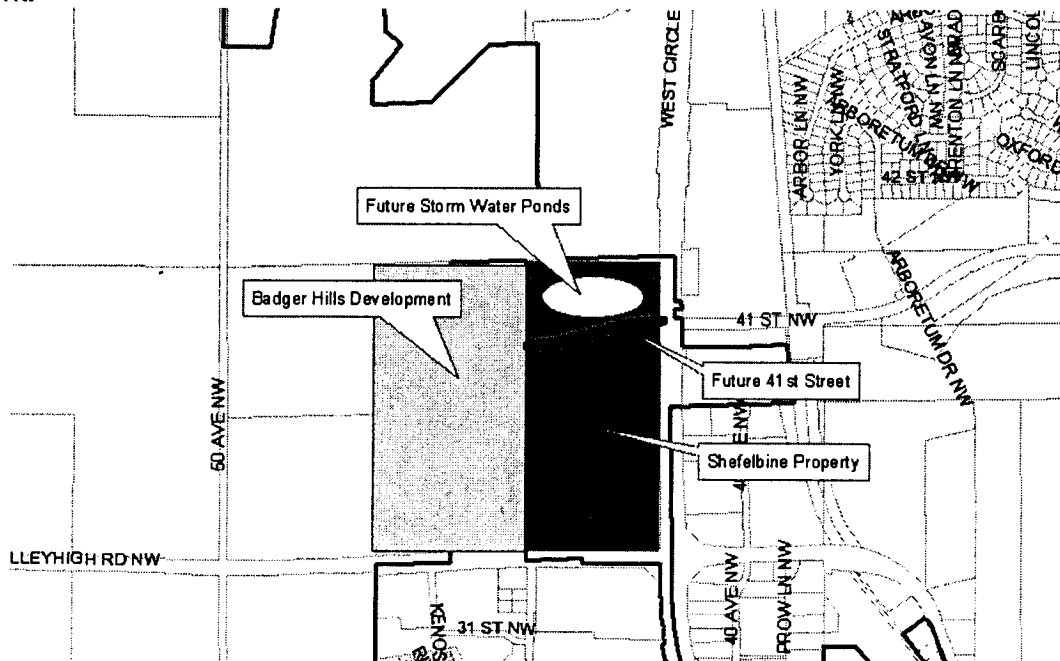
DATE: 10/06/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-24
ITEM DESCRIPTION: Real Estate – Settlement for Right of Way acquisition for future 41 st Street & utility extension. J7710	PREPARED BY: M. Nigbur	

The City Staff determined and negotiated the location and cost for the future 41st Street NW street extension for roadway and utilities. The street construction itself is several years away. However, the area is currently needed for the extension of sanitary sewer and watermain to serve the Badger Hills Development. The City will also be negotiating, in the future, the acquisition of land abutting this 41st Street Right of Way acquisition area for a storm water management structure. Considering all of the nuances associated with this transaction the City and Owner negotiated a proposed settlement agreement with the following conditions:

- The City will pay the Owner for the 3.27 acres of Right of way at an amount of \$28,000 per acre plus appraisal reimbursement.
- City will provide a sewer & water stub for future connection by the Owner at the Superior Drive Roadway connection.
- City agrees not to annex the property for a period of 5 years after the property is surrounded.
- City will pay for the closing costs on the acquisition.
- Owner agrees that future acquisitions by the City will be based on undeveloped property.

The City will ultimately be fully reimbursed for the cost of the acquisition by the benefiting properties. The City Staff recommends in favor of this Settlement Agreement. The Owners have executed the Agreement.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Settlement Agreement for the right of way acquisition of 41st Street with Shefelbines.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: